

September 6, 2007

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-29

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Coalition for Competitive Access to Content (CA2C), submits this notice of an *ex parte* presentation in the above-captioned proceeding.

On September 5, 2007, members of the CA2C including: Stacy Fuller, DIRECTV; Hank Hultquist, AT&T; Kevin Rupy, USTelecom; Steve Pastorkovich, OPASTCO; Richard Ramlall, RCN; Felix Boccucci, Knology; Jack Day, SureWest; Bill Heaston, PrairieWave; Gary Evans, Hiawatha Broadband; Martin L. Stern, Legal counsel for The Coalition for Competitive Access to Content (CA2C); and I, had meetings on behalf of the referenced companies and organizations with Commissioner Copps and his legal advisor Rick Chessen and with Commissioner Adelstein and his legal advisor Rudy Brioche.

At these meetings we discussed the policy positions advocated by the CA2C in its Comments and Reply Comments previously submitted in this proceeding. We also endorsed inclusion of the terrestrial loophole issue as part of a Further Notice of Proposed Rule Making and that such an FNPRM be staged for resolution within 6 months.

The CA2C also emphasized the connection between assured access to programming and the further development of broadband networks. The continued development of broadband networks and usage is dependent on the ability to successfully offer video services on the same wireline networks that will also expand broadband.

The agenda used for this meeting is appended as further reference to this discussion.

Respectfully submitted by:

/s/

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Enclosure

cc: Commissioner Copps, Rick Chessen, Commissioner Adelstein, Rudy Brioche



Coalition for Competitive Access to Content (CA2C)  
FCC Meeting Agenda, September 5, 2007

CA2C Attendees: Felix Boccucci, Knology  
William "Bill" Heaston, PrairieWave  
Gary Evans, Hiawatha Broadband  
Jack Day, SureWest  
Stacy Fuller, DIRECTV  
Hank Hultquist, AT&T  
Kevin Rupy, USTelecom  
Richard Ramlall, RCN  
Steve Pastorkovich, OPASTCO  
John Goodman, CA2C  
Martin Stern, K&L Gates

1. Introduction

2. The Current Program Access Proceeding

- We support the proposal for extending the ban on exclusives.
  - 5 years is appropriate
  - Better discovery is essential. We assume the expansion will provide access to relevant contracts for FCC staff and the process will maintain appropriate confidentiality.
  - A maximum of 5 months for a complaint proceeding can work if enforced. This should not prevent the process from moving as quickly as possible to closure. Many program access disputes are very time sensitive and 5 months can result in losing an entire season of content.
- The ban on exclusives must be extended because cable operators still have the incentive and the ability to withhold vertically integrated "must have" content from their competitors.
- Any diminished access to such content will harm both current and desired video competition.
- The current rules have been historically essential and have caused no harm.
- Program access rules also benefit further broadband development.

3. The Proposed Further Notice

- We support the FCC proposal to address the Terrestrial Loophole as part of an FNPRM. We further request that the FNPRM be staged for completion within 6 months.
- The CA2C continues to support closing the terrestrial loophole.